

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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PUBLIC LAWS
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Sec. 1. 36 MRSA § 292, 2nd ¶, last sentence, as repealed and replaced by PL 1975, c. 765, § 4, is amended to read:

A copy of the appeal and affidavit shall be served on the Bureau of Taxation ~~and the bureau shall have the burden of proving that its determination is correct with respect to that municipality.~~

Sec. 2. 36 MRSA § 292, 3rd ¶, last sentence, as repealed and replaced by PL 1975, c. 765, § 4, is repealed as follows:

~~The board, after hearing, shall have the power to:~~

Sec. 3. 36 MRSA § 292, as last amended by PL 1977, c. 694, § 677, is further amended by adding after the 3rd paragraph, 3 new paragraphs to read:

The Bureau of Taxation shall have the burden of showing that its determination is reasonable and the municipality's claims are unreasonable.

The board shall sustain the determination of the Bureau of Taxation only upon a finding that the bureau's determination is reasonable and the claims of the municipality are unreasonable. If the board does not sustain the bureau's determination, it shall make its own reasonable determination giving due weight to the claims of the municipality and the Bureau of Taxation.

The board, after hearing, shall have the power to:

Effective September 14, 1979

CHAPTER 274

S. P. 373 — L. D. 1153

AN ACT to Amend the Uniform Criminal Extradition Act and the Uniform Interstate Compact on Juveniles.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 15 MRSA § 201, sub-§ 5-A is enacted to read:

5-A. Judicial officer. "Judicial officer" shall mean a justice, judge, justice of the peace, clerk of courts or other neutral person empowered by the laws of the demanding state to issue criminal process.

Sec. 1-A. 15 MRSA § 202, as amended by PL 1977, c. 671, § 4, is further amended to read:

§ 202. Governor to deliver up person charged with crime in other state

Subject to the provisions of this chapter and of the Constitution of the United States and Acts of Congress in pursuance thereof, it is the duty of the Governor of this State to have arrested and delivered up to the executive authority of any other state of the United States any person ~~charged in that state with treason, felony or other crime~~ who is a fugitive from justice, **as defined in section 201, subsection 4**, and is found in this State. **Any person charged with or convicted of a crime as an adult in the demanding state shall be subject to this chapter, regardless of age.**

Sec. 1-B. 15 MRSA § 203, sub-§ 1, ¶ B, first sentence, as enacted by PL 1977, c. 671, § 5, is amended to read:

A copy of an indictment returned; or an information issued upon a waiver of indictment; or an information or other formal charging instrument issued upon a ~~judicial~~ determination of probable cause **by a judicial officer** in the demanding state or accompanied by an arrest warrant issued upon a ~~judicial~~ determination of probable cause **by a judicial officer** in the demanding state; or any other formal charging instrument, together with any affidavits in support thereof, or in support of an arrest warrant, which support a finding of probable cause; or an affidavit which supports a finding of probable cause.

Sec. 2. 15 MRSA § 210, last sentence, as repealed and replaced by PL 1977, c. 671, § 9, is repealed and the following enacted in its place:

The following persons shall not be admitted to bail subsequent to arrest upon a Governor's warrant or during the pendency of an appeal to the Supreme Judicial Court sitting as the law court:

Sec. 3. 15 MRSA § 210, sub-§§ 1, 2, and 3, are enacted to read:

1. Death or life imprisonment sentence. Any person charged with an offense for which a sentence of death or life imprisonment is possible under the laws of the demanding state;

2. Crime of escape. Any person who is charged with or has been convicted of the crime of escape in the demanding state; or

3. Extradition. Any person whose extradition is being sought on the ground that he has been convicted of a crime in the demanding state and:

A. Has escaped from confinement; or

B. Is under sentence of imprisonment, having been released on bail pending appeal or other review which has been denied.

Sec. 4. 15 MRSA § 210-A, as enacted by PL 1977, c. 671, § 10, is amended by adding at the end of the first paragraph the following:

The following shall be conclusive on the issue of probable cause:

1. **Waiver of indictment.** An indictment or an information issued upon a waiver of indictment; or
2. **Judicial determination of probable cause.** An information or other formal charging instrument or an arrest warrant issued on a determination of probable cause by a judicial officer in the demanding state.

Sec. 5. 15 MRSA § 213, sub-§ 1, first ¶, as enacted by PL 1977, c. 671, § 12, is amended to read:

A warrant of arrest shall be issued whenever a person within this State is charged, on the oath ~~sworn~~ **complaint** of any credible person before a judge or magistrate of this State, or by a complaint made before a judge or magistrate of this State upon an affidavit of any credible person in another state, with:

Sec. 5-A. 15 MRSA § 215, sub-§ 2, as enacted by PL 1977, c. 671, § 13, is amended to read:

2. **Charging instrument or warrant.** An information or other formal charging instrument or an arrest warrant when they are issued upon a ~~judicial~~ determination of probable cause **by a judicial officer** in the demanding state.

Sec. 6. 15 MRSA § 216, as amended by PL 1977, c. 671, § 14, is repealed and the following enacted in its place:

§ 216. Bail permitted unless offense punishable by death or life imprisonment

Except as otherwise provided, the judge or magistrate may admit the person arrested to bail by bond or undertaking, with sufficient sureties and in such sum as he deems proper, for his appearance before him at a time specified in that bond or undertaking and for his surrender to be arrested upon the warrant of the Governor of this State. The following persons shall not be admitted to bail pursuant to this section:

1. **Death or life imprisonment sentence.** Any person charged with an offense for which a sentence of death or life imprisonment is possible under the laws of the demanding state;
2. **Crime of escape.** Any person who is charged with or has been convicted of the crime of escape in the demanding state; or
3. **Extradition.** Any person whose extradition is being sought on the ground that he has been convicted of a crime in the demanding state and:
 - A. Has escaped from confinement; or
 - B. Is under sentence of imprisonment, having been released on bail pending

appeal or other review which has been denied.

Sec. 7. 34 MRSA § 183, sub-§ 6, as amended by PL 1971, c. 598, § 86, is further amended by adding at the end the following:

A person charged with or convicted of a crime as an adult in a demanding state, whose extradition from this State is sought by the demanding state shall be subject to the provisions of chapter 9, although the person is a minor under the laws of this State.

Effective September 14, 1979

CHAPTER 275

H. P. 991 — L. D. 1228

AN ACT Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act.

Be it enacted by the People of the State of Maine, as follows:

22 MRSA §§ 2558 and 2559 are enacted to read:

§ 2558. Registration of commercial establishments

No person, firm or corporation shall operate a commercial slaughterhouse or commercial meat processing establishment unless the establishment is registered by the commissioner.

A commercial slaughterhouse or commercial meat processing establishment is defined as the place where commercial slaughter or commercial preparation of meat or meat food products is performed in accordance with the provisions of this chapter.

An application for registration or renewal of registration shall be made on or before September 1st of each year on a form prescribed by the commissioner. The registration shall be approved after the commissioner is satisfied that there is compliance with the regulations governing these operations. A fee of \$5 shall be paid for each registration or renewal.

Each registration shall cover a group of buildings or parts thereof, in one location, constituting the commercial slaughterhouse or commercial meat processing establishment owned by the registrant.

§ 2559. Registration of custom establishments